

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TONY XAVIER HOUSTON,  
Plaintiff,  
v.  
JARDEN, et al.,  
Defendants.


Case No. [21-cv-05200-HSG](#)

**ORDER OF DISMISSAL**

Plaintiff filed the instant *pro se* complaint under 42 U.S.C. § 1983. Dkt. No. 1. On September 2, 2021, the Court reviewed the complaint and dismissed it with leave to amend for failure to state a claim. Dkt. No. 12. The Court informed Plaintiff that the failure to file an amended complaint by October 4, 2021, would result in the dismissal of this action without further notice. *Id.* The deadline to file an amended complaint has passed and Plaintiff has not filed an amended complaint. Nor has Plaintiff communicated with the Court. Accordingly, because Plaintiff has failed to comply with a court order and for the reasons stated in the Court's September 2, 2021 Order, this action is DISMISSED pursuant to Fed. R. Civ. P. 41(b) and for failure to state a claim. The dismissal is without prejudice to filing a motion to reopen accompanied by a proposed amended complaint that addresses the deficiencies identified in the Court's September 2, 2021 Order and explaining why Plaintiff failed to timely file an amended complaint. The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: 10/25/2021

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge